



I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Label No. EV 333856385 US, in an envelope addressed to Mail Stop Reissue, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: March 31, 2004

Signature: \_\_\_\_\_

(Tia B. Zimmerman)

Docket No.: 369212000131  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Reissue Patent Application of:

Hirokazu SUGIHARA et al.

U.S. Pat. No. 5,563,067

Application No.: 09/688,077

Art Unit: 1744

Filed: October 13, 2000

Examiner: D. Redding

For: CELL POTENTIAL MEASUREMENT  
APPARATUS HAVING A PLURALITY OF  
MICROELECTRODES

**RESPONSE**

Mail Stop Reissue  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the non-final Office Action dated March 12, 2004 (Paper No./Mail Date 20040309). The single rejection in the Office Action is one of judicial double patenting of all of the pending claims (Claims 14-23) over the claims of the parent: U.S. Patent No. Re 38,323 E.

Without acceding to the propriety of the rejection, attached is a Terminal Disclaimer filed under 37 CFR 1.321(c) and signed by an attorney of record. Such a Terminal Disclaimer presumptively overcomes this ground of rejection.

Allowance of this application is requested.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **369212000131**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: March 31, 2004

Respectfully submitted,

By 

E. Thomas Wheelock

Registration No.: 28,825

MORRISON & FOERSTER LLP

755 Page Mill Road

Palo Alto, California 94304

(650) 813-5739